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February 17, 2025

Via ECF:

Hon. Paul A. Engelmayer
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Margarita Diaz. v. RLIF 138th Street LLC, et al.
Case No 24cv7246

Dear Judge Engelmayer,

My office represents Parallel Products of New England, Inc. (“Defendant”), in this matter. I respectfully submit this letter-motion requesting: (1) extensions of the current deadlines for fact discovery; discovery responses; depositions; Requests to Admit; and expert discovery; and (2) an adjournment of the March 6, 2025 settlement conference scheduled before Magistrate Judge Sarah Netburn.

A proposed Revised Case Management Plan and Scheduling Order is attached for Your Honor’s consideration. There have been no prior requests by any party for an extension or adjournment of the initial November 7, 2024 Case Management Plan and Scheduling Order’s directives. All parties have reviewed the proposed Revised Case Management Plan and Scheduling Order and consent to the requested extensions and adjournments.

The proposed Revised Case Management Plan and Scheduling Order would create or extend the following deadlines:

- All fact discovery shall be completed no later than 5/15/25 (the current deadline is 3/7/2025).
- Plaintiff to provide responses to Defendants’ initial Requests for Production & Defendants’ Interrogatories by 2/28/25.
- Depositions to be completed by 4/30/2025 (the current deadline is 2/28/2025).
- Requests to Admit to be served no later than 5/7/2025 (the current deadline is 3/5/2025).
- All expert discovery shall be completed no later than 6/13/25 (the current deadline is 4/4/2025).

The requested extensions and adjournments are warranted for a number of reasons. For one, responses to Defendant’s Initial Request for Production & their Interrogatories, both dated October 29, 2024, remain outstanding. Without these responses, both defendants lack critical information about this case, such as precisely

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where on the sidewalk¹ Plaintiff's alleged trip and fall occurred. Defendant has made good faith efforts by phone, email, and letter to obtain this discovery to date. In response, last week Plaintiff's counsel advised that responses were received from his client in Spanish and that the necessary translation to English is nearly complete. The proposed Revised Case Management Plan and Scheduling Order, if accepted, would direct Plaintiff to provide these outstanding responses within the next two weeks, by February 28, 2025.

Secondly, authorizations for Plaintiff's relevant medical records were only provided on December 31, 2024, and records from several institutions remain outstanding. At least one authorization for GEICO (for records related to a prior motor vehicle accident) was returned because it had an incorrect claim number. The authorizations provided on December 31, 2024, also are not initialed in box 9(a) which makes them liable to be rejected. Both defendants require additional time to obtain and review Plaintiff's records prior to depositions.

Finally, the proposed extensions and adjournments would enable the parties to continue ongoing settlement negotiations. As of the date of this letter, Plaintiff's counsel is weighing an initial settlement offer to resolve the case. Defendant believes that there is a substantial probability that this case can resolve in the next thirty (30) days during further negotiations. If the case does not settle in that timeframe, then the issues to be resolved at a settlement conference with Magistrate Judge Netburn will at least be narrowed down. Thus, an adjournment of the March 6, 2025 settlement conference to a new date May 2025 is also requested.

Thank you for your time and consideration. Defendant is prepared to conference any of these issues with the Court if necessary.

Respectfully Submitted,

MARON MARVEL BRADLEY ANDERSON & TARDY
LLC

Brian Bergin

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CC (via ECF):

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¹ The sidewalk where the incident allegedly occurred is located on a corner, which implicates two sidewalks on two separate blocks.

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GRANTED IN PART. During the initial conference—a conference in which plaintiff's counsel was not in attendance due to a scheduling lapse, *see* Dkt. 21—the Court warned that no extensions would be granted due to the straightforward nature of the case. The Court grants a limited exception here so as not to prejudice defendants by plaintiff's delayed disclosures. Responses to defendants' requests for production are due in one week, by February 25, 2025. Depositions and fact discovery are to be completed no later than April 11, 2025. The case management conference is hereby rescheduled to Tuesday, April 22, 2025, at 10 a.m. All other deadlines remain in place. The request to adjourn the settlement conference date must be filed separately in a letter addressed to Judge Netburn.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Date: February 18, 2025